

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

WILLIAM CLARK, THOMAS FIGURES
and DR. JOE L. REED,

Plaintiffs,

V.

GOVERNOR BOB RILEY, in his official capacity, and ELTON DEAN, in his official capacity as Chair of the Board of Trustees of Alabama State University,

Defendants.

CIVIL ACTION NO. 2:07-CV-190-WKW

Removed from the Circuit Court
of Montgomery County, Alabama
Case No. 03-CV-2007-900076.00

DEFENDANTS' JOINT MOTION TO DISMISS

COME NOW Defendants Governor Bob Riley and Elton Dean (collectively “the Defendants”), by and through their respective counsel of record, and move this Honorable Court, in accordance with Rules 12(b) and 81(c) of the Federal Rules of Civil Procedure, to enter a judgment dismissing all the Plaintiffs’ claims against them on the following grounds:

- 1) Plaintiffs William Clark and Thomas Figures lack standing to sue;
- 2) The claims of Plaintiff Thomas Figures are not ripe for judicial review;
- 3) The Plaintiffs' claim for declaratory relief, as is set forth in Count One of the Complaint, is moot; and
- 4) As a matter of law, the age limitation contained in section 16-50-20(a) of the Code of Alabama does not, as is alleged in Count Two of the Complaint, violate the Equal Protection clause of the Fourteenth Amendment.

WHEREFORE, the above-cited grounds considered, the Defendants request that this Honorable Court enter a judgment in their favor dismissing, with prejudice, all the Plaintiffs' claims in this action.

Done this 9th day of March 2007.

Respectfully submitted,

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Kenneth D. Wallis, II (WALo64)
Chief Legal Advisor
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/s/ Scott L. Rouse
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys:

J. Cecil Gardner, Esq.
M. Vance McCrary, Esq.

I also hereby certify that I have mailed by United States Postal Service to the following:

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/s/ Scott L. Rouse
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